

# GARBAGE

## GAZETTE

### Connecticut Department of Environmental Protection

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#### 1990 Revisions to the Mandatory Recycling Law

Public Act 90-220 (PA 90-220), which was signed into law by Governor O'Neill on 6/6/90 repeals the ban on the receipt of the nine designated recyclable items by landfills and resource recovery facilities. In its place, the law specifies recycling requirements for waste generators (both residential and nonresidential), municipalities, waste haulers, solid waste disposal facilities and recycling facilities.

The Department is now assessing the impact of these changes on the implementation of the statewide recycling program. Examples of issues which are being addressed include (1) the level of separation which nonresidential waste generators must undertake to ensure that their aggregation and collection methods do not contaminate the designated items and make them unfit for recycling; (2) the relationship between the January 1, 1991, recycling deadline and the availability of processing facilities for residential recyclables such as bottles, cans and newspaper; and (3) the responsibility of municipalities to provide recycling programs for lead acid storage batteries in light of the new battery deposit system established by Public Act 90-248.

The Department will use this space to provide updates as these and related issues are resolved. Meanwhile, the following provides an outline of the major requirements of the new law.

#### Requirements of PA 90-220

##### Waste Generators

- \* Beginning January 1, 1991, residential generators shall separate the nine designated recyclables from the rest of their solid waste.
- \* All others, including businesses, institutions, recreational facilities, etc., shall provide for separation of the recyclables.

##### How Enforced

- \* Municipal ordinance must specify enforcement provisions.
- \* Hauler must tell municipalities when he finds recyclables in the trash.
- \* Under PA-249, a municipality may impose a penalty of up to \$500 for each violation by a commercial establishment.

##### Municipalities

By January 1, 1991, municipalities shall:

- \* Provide for the separation, collection, processing, and marketing of items on the mandatory recycling list.
- \* Adopt an ordinance to assure that generators comply with separation requirements and haulers comply with requirement to report to municipalities on generators who throw recyclables in the trash.
- \* Designate a recycling contact person and a person to receive notices of violations.
- \* Notify haulers of the provisions it has made for collecting, processing, and marketing recyclables.

Beginning July 1, 1991 and annually thereafter, municipalities shall report to DEP Commissioner on their recycling efforts including: efforts to promote recycling, the enforcement program, amount of recyclables sent to a recycling facility, and the amount of MSW generated.

#### **How Enforced**

Beginning January 1, 1991, the DEP Commissioner may:

- \* Issue orders under broad solid waste enforcement powers against municipalities which she determines to have made insufficient progress in implementing a recycling program. The bill sets forth detailed procedure to be followed before such an order can be issued.
- \* Order a municipality to deliver recyclables to an intermediate processing center (IPC) if it has failed to sign a contract with an IPC or has failed to take measures to implement local processing.

#### **Haulers** (Municipal ordinance must specify the following.)

- \* Shall notify municipality of generators who have discarded recyclable items with other solid waste.
- \* Shall provide warning notices to violators if municipality requests them to.
- \* Shall assist municipality in identifying persons responsible for creating significant amounts of recyclables in a load going to a disposal facility.

#### **How Enforced**

Under PA 90-249, hauler is subject to civil penalties (\$1000 1st violation, \$5000 subsequent violations) for knowingly mixing recyclables with solid waste.

#### **Resource Recovery Facilities and Solid Waste Facilities**

Beginning January 1, 1991:

- \* The facility shall notify driver and municipality of loads with "significant" amounts of recyclables delivered for disposal.

#### **How Enforced**

Under PA 90-249, the facility is subject to a warning by municipality or DEP Commissioner for 1st violation, a civil penalty of \$500 for each subsequent violation.

- \* The facility shall conduct periodic unannounced inspections to assist municipalities and Commissioner in accurately assessing compliance.
- \* The facility shall conduct additional inspections when requested to by Commissioner.

#### **How Enforced**

Under PA 90-249, the facility is subject to a \$1000 civil penalty for a 1st violation, \$5000 for subsequent violations.

- \* The facility shall report quarterly to each municipality and the DEP how much MSW originates from that municipality.

#### **Recycling Facilities**

Recycling facilities that process or sell corrugated cardboard; glass, metal, or plastic containers; leaves; newspapers; storage batteries and/or oil from residential properties shall report quarterly to each municipality and DEP on amount of residential recyclables it receives originating in that municipality.

#### **Municipalities are given the authority to:**

- \* Direct where the following recyclables shall be taken for processing or sale: newspaper; cardboard (corrugated); glass, metal, and plastic food and beverage containers; leaves; storage batteries; and waste oil which are generated from residential properties.
- \* Require the separation and recycling of other materials.
- \* Enact anti-scavenging ordinances.

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